

Amendment - 09/759,103
Filed March 26, 2004

REMARKS

Attorneys for Applicants have changed. It is requested that the Attorney docket number be changed from "10567-003" to the new Attorney Docket No. of "P166 1010.1".

In the office action mailed December 29, 2003, the Examiner rejected claim 1 on the grounds that the clause "if the user selects to play the game" lacked antecedent basis. As to the merits, claims 1 and 2 were rejected under 35 USC 102(e) as being anticipated by USP 6,443,854 to "Walker" while claims 3-5 were rejected under 35 USC 103(a) as being unpatentable over Walker in view of USP 6,331,143 to "Yoseloff".

Claims 1-5, as amended; and new claims 6-19 are pending.

Claim 1 has been amended, inter alia, to add the language "providing the user with an option to play a game to win a selected product or service". It is submitted that this provides antecedent basis for the language which now reads "if the user opts to play the game".

Claim 1 has further been amended to recite "wherein the user is permitted to play the game and win the product or service without paying a fee." In the invention of claim 1, the user is not charged a fee. This differs from both Walker and Yoseloff, which both require a user to pay a wager.

The preamble of dependent claims 2-5 has been changed so that they conform to the preamble of claim 1.

New dependent claims 6, 11 and 16 are supported on page 19 of the filed application while claims 7-9, 12-14 and 17-19 are supported at pages 15-16 of the filed application.

New independent claims 10 and 15, like amended claim 1, recite "wherein the user is permitted to play the game and win" a product "without paying a fee".

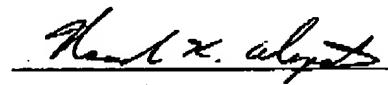
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Reconsideration of the application is requested. Claims 1-19 are believed to be in allowable form and define over the prior art of record. An early notice of allowance is requested so that the application may proceed to issue.

No fee is believed to be due for this submission. Should a fee be required, the Commissioner is authorized to charge any such fee to Womble Carlyle's Deposit Account No. 09-0528.

Respectfully Submitted,

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